

FEDERAL BUREAU OF INVESTIGATION

Date of entry 02/11/2020

On January 23, 2020, a physical surveillance was conducted on subject, David MATA. The surveillance was conducted by Special Agents (SAs) Brendon Zartman, Michael Eldridge, Mark Matulich, Joseph Schadler, and Operational Support Technician Kathryn Taylor. The following observations were made during the surveillance:

(All times are approximate and listed in Pacific time)

At 11:35am surveillance commenced at the Kezar Pub and restaurant located at 770 Stanyan St. San Francisco, California 94117. SAs Zartman and Matulich observed David MATA seated at a table in the restaurant with three adult males. The group appeared to be having a conversation.

Between 11:44am and 12:54pm SAs Zartman and Eldridge took video and photographs of MATA and his three associates at the table.

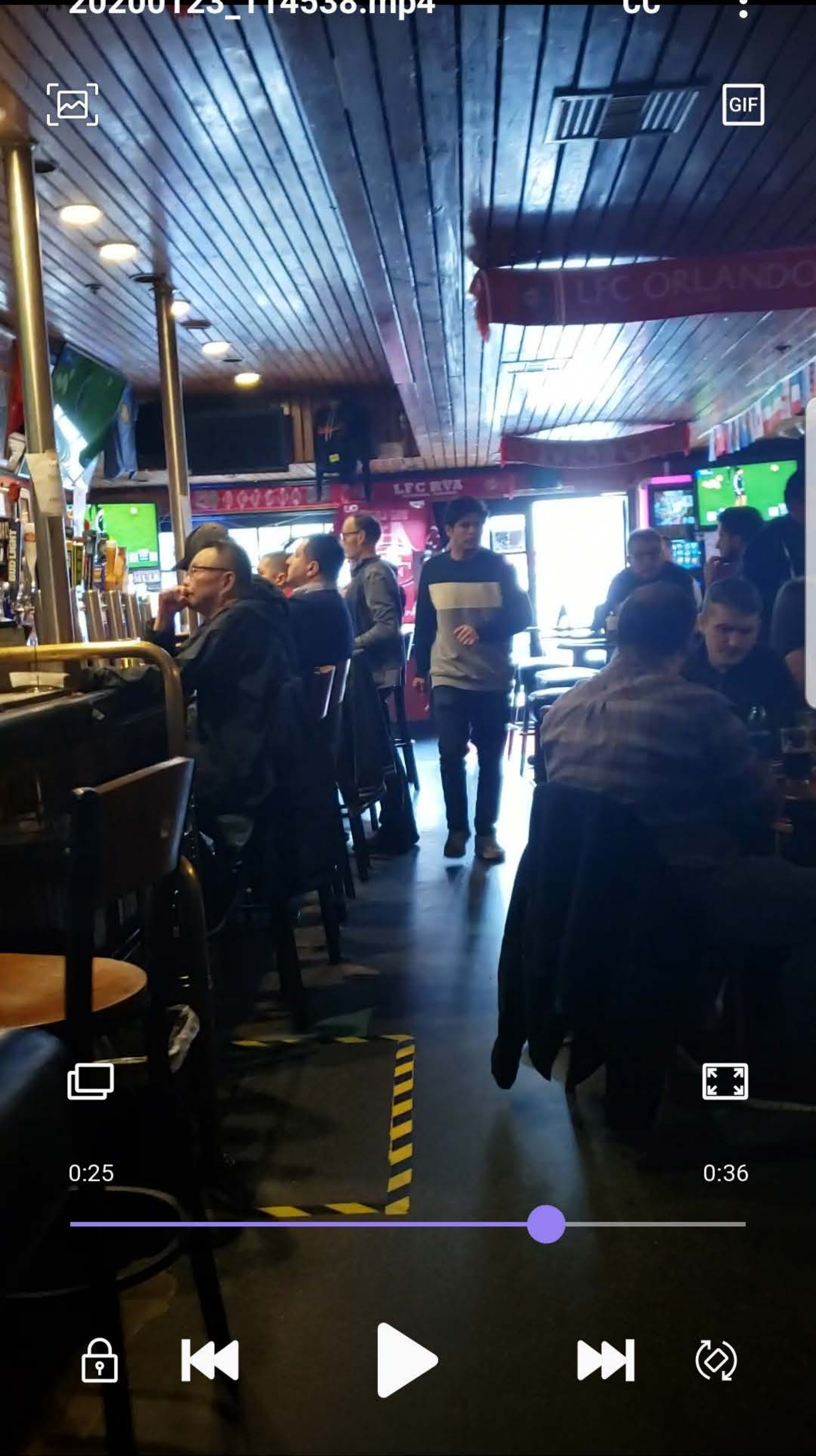
At 1:15pm surveillance ended.

Investigation on 01/23/2020 at San Francisco, California, United States (In Person)File # 58D-SF-2113481Date drafted 01/23/2020by Brendon Zartman, Michael P. Eldridge, Mark R. Matulich



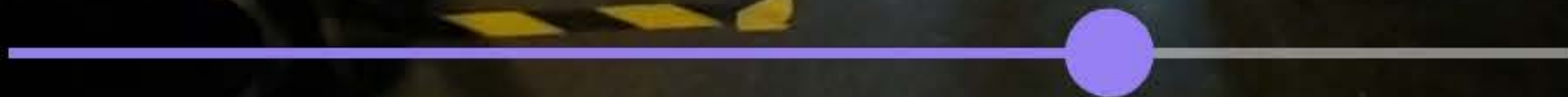
20200123_114538.mp4

CC



0:25

0:36

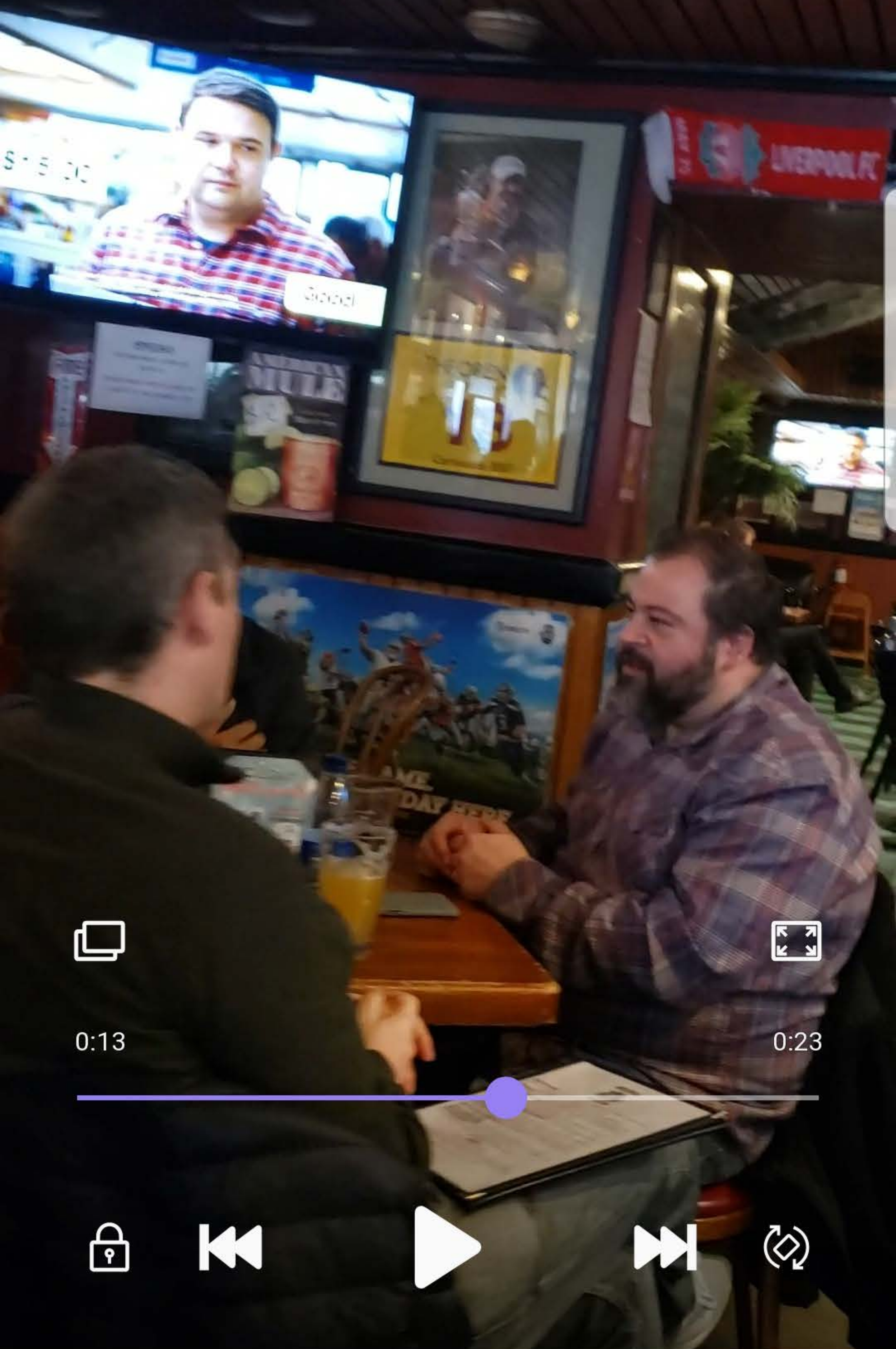






20200123_114404.mp4

CC



0:13

0:23





Marcus Andrade <ceo@amlbitcoin.com>

Hello/Touching Base

Maheshwari, Shailendra <shailendra.maheshwari@pillsburylaw.com>

Fri, Mar 6, 2020 at 6:22 PM

To: "ceo@amlbitcoin.com" <ceo@amlbitcoin.com>

Marcus,

I hope you are well – this is Shalu. It's been a while and I've been meaning to follow-up with you for a long time and see how things were going. I got completely sidetracked and dropped the ball.

If you have time (and interest) – let me know so we can catch up.

Have a good weekend!

Shalu

Shailendra Maheshwari | Counsel

Pillsbury Winthrop Shaw Pittman LLP

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shailendra.maheshwari@pillsburylaw.com | [website bio](#)

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NASHVILLE NEW YORK NORTHERN VIRGINIA PALM BEACH SACRAMENTO
SAN DIEGO SAN DIEGO NORTH COUNTY SAN FRANCISCO SHANGHAI
SILICON VALLEY TAIPEI TOKYO **WASHINGTON, DC**



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From: Shalu Maheshwari <maheshwarishalu@hotmail.com>
Sent: Monday, March 23, 2020 7:18 PM
To: Marcus Andrade
Cc: Dave Mata; Imran Khaliq
Subject: Re: Engagement LOI and NDA

Yes - understood. That's also cool about Consensys.

From: Marcus Andrade <ceo@amlbitcoin.com>
Sent: Monday, March 23, 2020 8:05 PM
To: Shalu Maheshwari <maheshwarishalu@hotmail.com>
Cc: Dave Mata <dbmata@gmail.com>; Imran Khaliq <counsel.quantum@gmail.com>
Subject: Re: Engagement LOI and NDA

Hello Shalu,

Remember I am still protected by attorney client so please protect the information until the NDA's are in place.

As far as consensys, we already have that claim chart. That was one of my deadlines.

I will try to have the NDA tomorrow.

Thanks,

Marcus

On Mon, Mar 23, 2020 at 5:38 PM Shalu Maheshwari <maheshwarishalu@hotmail.com> wrote:
Marcus,

Thanks for calling back earlier. I appreciate the comments and I will pass them along to David and Imran.

I also let them know that you were under a deadline over the weekend and today so the NDA is coming from you soon.

Finally - looking at the blockchain landscape - have you identified ConsenSys as a target? They made a lot of noise in the space when everything was exploding a couple of years ago and I think they survived the fallout.

Thanks!
Shalu

From: Shalu Maheshwari <maheshwarishalu@hotmail.com>
Sent: Sunday, March 22, 2020 1:41 PM
To: Dave Mata <dbmata@gmail.com>

Cc: Marcus Andrade <ceo@amlbitcoin.com>; Imran Khaliq <counsel.quantum@gmail.com>

Subject: Re: Engagement LOI and NDA

Thanks Dave. This is pretty much on point. As I noted in our call - the litigation funders are waiting to fund cases as their money is committed to these efforts.

Being that I'm housebound for the foreseeable future - a call Monday or Tuesday is fine with me. Thanks!

On Mar 22, 2020, at 12:54 PM, Dave Mata <dbmata@gmail.com> wrote:

Something I wanted to mention.

As we're looking at how the economic impact of the covid-19 disease is impacting the USA and the world, we have a very unique window that is open.

Markets are panicked. Managers are panicked. The big 4 are panicked. Company values are crashing, their ability to expend cash on asset increases or capital improvement is disappearing. Panic is a strong driver of action. We have additional leverage on the BOB portfolio now due to these market moves. We can leverage the risk of a large IP litigation against a large company like an Accenture, to force them into the safer move to license, which they'd provision cash for as it is a SIB regulatory/legal compliance related cost.

We don't know how many more weeks of people shitting themselves we have left. The quicker we start, the quicker we can start hitting targets.

Can we have a call on Monday and kick off on Tuesday with a signed agreement?

D

On Sat, Mar 21, 2020, 2:39 PM Shalu Maheshwari <maheshwarishalu@hotmail.com> wrote:
Marcus - I hope the weekend is treating you well so far.

As you mentioned to me yesterday - please go ahead and send an NDA that you would like to use. I spoke to David and Imran today and they are happy to sign your version so that we can get to a place where we are able to have a free and open discussions. This will, of course, help us with strategy and other issues.

Also - on the engagement letter - I can walk through it with you tomorrow to address any concerns. I can send you an email/text before hand.

Thanks,
Shalu

From: Shalu Maheshwari

Sent: Friday, March 20, 2020 2:01 PM

To: Marcus Andrade <ceo@amlbitcoin.com>

Cc: David Mata <dbmata@gmail.com>; Imran Khaliq <counsel.quantum@gmail.com>

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Marcus,

Hope you are well. Per our discussion yesterday, please find two documents for your signature. The first is a Letter of Intent/Engagement Letter that details the scope of the work we would perform on your behalf strategize on and help monetize the BOB Patent Portfolio. The second one is a mutual NDA.

Please review each and propose any changes, please also insert your address into the documents.

We are eager to get moving on this and also to be able to speak freely about the work that has already been done, potential other strategies (I have a few articles of interest in changes in European patent law), and how to increase value in the portfolio.

Thanks!
Shalu

--

Marcus Andrade

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Marcus Andrade <ceo@amlbitcoin.com>

Fw: Follow Up - Personal Email Address (Shalu)

Shalu Maheshwari <maheshwarishalu@hotmail.com>

Wed, Mar 11, 2020 at 1:15 PM

To: "ceo@amlbitcoin.com" <ceo@amlbitcoin.com>

Marcus - Trying again as I got a bounce back. Thanks!

Shalu

From: Shalu Maheshwari <maheshwarishalu@hotmail.com>**Sent:** Tuesday, March 10, 2020 2:06 PM**To:** ceo@amlbitcoin.com**Subject:** Follow Up - Personal Email Address (Shalu)**PRIVILEGED AND CONFIDENTIAL**

Marcus,

Really good to catch up with you today. Glad to hear things are going very well. As I noted, I'd be very happy to keep the lines of communication open and hopefully help you with your patent portfolio and potential monetization strategies.

I'm always available at this address or 202-997-1925. I'll pass along my details once I land at a new shop. In the interim, if there is any information you can send me that will help me get back up to speed, please do so.

All communications will be treated as privileged.

Thanks and I look forward to working together again.

Regards,

Shalu

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Shalu

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Marcus Andrade

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To: Marcus Andrade[ceo@amlbitcoin.com]
From: Shalu Maheshwari[maaheshwarishalu@hotmail.com]
Sent: Wed 3/18/2020 11:46:43 AM (UTC-05:00)
Subject: Re: Follow-Up - Litigation Funding Update - Future Plans (PRIVILEGED AND CONFIDENTIAL)

Privileged and Confidential

Marcus,

Yes that is what I would like to do - be your counsel to get monetization effort going. I will prepare an engagement letter for you but we should still have a call to discuss some of the specifics and background - and also get you introduced to Imran as he will be a key part of a successful strategy.

Thanks,
Shalu

From: Marcus Andrade <ceo@amlbitcoin.com>
Sent: Wednesday, March 18, 2020 12:39 PM
To: Shalu Maheshwari <maaheshwarishalu@hotmail.com>
Subject: Re: Follow-Up - Litigation Funding Update - Future Plans (PRIVILEGED AND CONFIDENTIAL)

Hello Shalu,

I need to know if you are going to be representing my company on this matter?

I would need an engagement agreement first before I can start sharing data.

Thanks,

Marcus

On Wed, Mar 18, 2020 at 9:58 AM Shalu Maheshwari <maaheshwarishalu@hotmail.com> wrote:

PRIVILEGED AND CONFIDENTIAL

Hi Marcus,

I hope you are staying healthy during this crazy situation with Covid-19. Things on my end are fine - except that the kids are now home for a minimum of two weeks - so it's a bit chaotic.

I wanted to follow up with you on our discussion from last week about litigation funding for the BGC portfolio of patents. As I mentioned, I am connected to a few different litigation funders who I know very well and who I am certain would be interested in the patent portfolio that you have developed. Patent monetization is an area I have been working in for a long time - having monetized patents in cloud computing space for 10 years against companies such as Blackberry and Dropbox. With that in mind, I wanted to introduce you to my good friend and legal counsel, Imran Khaliq. Imran was a partner with me at Dentons - and more relevant ran the patent licensing program at Rovi Corp/TiVo for a couple of years. He has extensive experience monetizing patent portfolios in the 100s of millions of dollars range. Additionally, Imran is working with me on a couple of other patent portfolios as well. Finally, you know Dave Mata quite well. Dave is our Business Development Director and has been involved in multiple projects with us as well as identifying and managing new opportunities.

I spoke to a very good contact yesterday at one of the litigation funds about the temperature of the market - and it turns out litigation funding is in overdrive because it is non-correlating and isn't tied into the markets. The funders are

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actively looking to allocate capital to good patent portfolios as the money raised for funding is already committed and cannot be used elsewhere. I briefly mentioned your portfolio to my contact and he said that it sounded very promising. As I noted - the deals we are used to doing would not have some of the onerous requirements and stipulations that you were presented with previously.

I recall that you had provided me with some claim charts and other letters previously - but is there a chance you can share those again? I believe Dave had some of this information as well. I located about 7 US patents for BGC from the PTO website, and I recall you said there are continuations on file as well (in addition to the global filings).

Does it make sense to get on a call with all of us to discuss? I see a lot of value in your portfolio - from settlements or licensing - which could represent a very serious amount of recovery if it is handled strategically. These are the kinds of cases that we successfully work on regularly.

Let me know your thoughts.

Regards,
Shalu

From: Marcus Andrade <ceo@amlbitcoin.com>
Sent: Wednesday, March 11, 2020 2:35 PM
To: Shalu Maheshwari <maleshwarishalu@hotmail.com>
Subject: Re: Follow Up - Personal Email Address (Shalu)

Sounds good.

Thanks,

Marcus

On Wed, Mar 11, 2020 at 1:30 PM Shalu Maheshwari <maleshwarishalu@hotmail.com> wrote:

Thanks! Just sent you an email from the Pillsbury address - has some added information.

I'll use this address going forward. Thanks!

Shalu

On Mar 11, 2020, at 2:28 PM, Marcus Andrade <ceo@amlbitcoin.com> wrote:

Sounds good.

Thank you,

Marcus

On Wed, Mar 11, 2020 at 1:15 PM Shalu Maheshwari <maleshwarishalu@hotmail.com> wrote:

Marcus - Trying again as I got a bounce back. Thanks!

Shalu

From: Shalu Maheshwari <maheshwarishalu@hotmail.com>

Sent: Tuesday, March 10, 2020 2:06 PM

To: ceo@amlbitcoin.com

Subject: Follow Up - Personal Email Address (Shalu)

PRIVILEGED AND CONFIDENTIAL

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Regards,
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Marcus Andrade <ceo@amlbitcoin.com>

Hello/Touching Base

13 messages

Maheshwari, Shailendra <shailendra.maheshwari@pillsburylaw.com>
To: "ceo@amlbitcoin.com" <ceo@amlbitcoin.com>

Fri, Mar 6, 2020 at 6:22 PM

Marcus,

I hope you are well – this is Shalu. It's been a while and I've been meaning to follow-up with you for a long time and see how things were going. I got completely sidetracked and dropped the ball.

If you have time (and interest) – let me know so we can catch up.

Have a good weekend!

Shalu

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Marcus Andrade <ceo@amlbitcoin.com>

Fri, Mar 6, 2020 at 6:52 PM

To: "Maheshwari, Shailendra" <shailendra.maheshwari@pillsburylaw.com>

Hello Shalu,

Doing extremely well on this end.

Lets have a call sometime.

Thanks,

Marcus

[Quoted text hidden]

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Marcus Andrade

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Maheshwari, Shailendra <shailendra.maheshwari@pillsburylaw.com>

Fri, Mar 6, 2020 at 6:56 PM

To: Marcus Andrade <ceo@amlbitcoin.com>

Awesome. Are you around next week? I definitely would like to hear how things are going. I've been doing some interesting work with patent litigation funders of late too - I can fill you in.

On Mar 6, 2020, at 7:52 PM, Marcus Andrade <ceo@amlbitcoin.com> wrote:

*** EXTERNAL EMAIL ***

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Lets have a call sometime.

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Marcus

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If you have time (and interest) – let me know so we can catch up.

Have a good weekend!

Shalu

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t +1.202.663.8009

shailendra.maheshwari@pillsburylaw.com | website bio

<image101b75.PNG>

<image6569a0.PNG>

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2 attachments

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SAN DIEGO SAN DIEGO NORTH COUNTY SAN FRANCISCO SHANGHAI
SILICON VALLEY TAIPEI TOKYO WASHINGTON, DC

image101b75.PNG
4K



image6569a0.PNG
2K

Marcus Andrade <ceo@amlbitcoin.com>

To: "Maheshwari, Shailendra" <shailendra.maheshwari@pillsburylaw.com>

Fri, Mar 6, 2020 at 6:57 PM

Next week works great.

Thanks,

Marcus

[Quoted text hidden]

Maheshwari, Shailendra <shailendra.maheshwari@pillsburylaw.com>
To: Marcus Andrade <ceo@amlbitcoin.com>

Fri, Mar 6, 2020 at 7:29 PM

Anything on Tuesday work? If you shoot me some times – I'll send a calendar invite.

[Quoted text hidden]

[Quoted text hidden]

Marcus Andrade <ceo@amlbitcoin.com>
To: "Maheshwari, Shailendra" <shailendra.maheshwari@pillsburylaw.com>

Fri, Mar 6, 2020 at 8:14 PM

Sounds Good.

Thanks,

Marcus

[Quoted text hidden]

Maheshwari, Shailendra <shailendra.maheshwari@pillsburylaw.com>
To: Marcus Andrade <ceo@amlbitcoin.com>

Mon, Mar 9, 2020 at 7:18 AM

Marcus – hope you had a good weekend. How does tomorrow at 12pm E / 9am P look for a call? If that works I'll send the call-in.

Thanks,

Shalu

[Quoted text hidden]

[Quoted text hidden]

Marcus Andrade <ceo@amlbitcoin.com>
To: "Maheshwari, Shailendra" <shailendra.maheshwari@pillsburylaw.com>

Mon, Mar 9, 2020 at 10:59 AM

That works for me.

Thanks,

Marcus

[Quoted text hidden]

Maheshwari, Shailendra <shailendra.maheshwari@pillsburylaw.com>
To: Marcus Andrade <ceo@amlbitcoin.com>

Mon, Mar 9, 2020 at 6:02 PM

Awesome - I sent along a calendar invite.

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[Quoted text hidden]

[Quoted text hidden]

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To: Marcus Andrade <ceo@amlbitcoin.com>

Tue, Mar 10, 2020 at 11:04 AM

Marcus – are you able to join the call? I have opened the line.

Thanks!

[Quoted text hidden]

[Quoted text hidden]

Marcus Andrade <ceo@amlbitcoin.com>
To: "Maheshwari, Shailendra" <shailendra.maheshwari@pillsburylaw.com>

Tue, Mar 10, 2020 at 11:19 AM

Hello Shalu,

Please resend the call in instructions.

Thanks,

Marcus

[Quoted text hidden]

Maheshwari, Shailendra <shailendra.maheshwari@pillsburylaw.com>
To: Marcus Andrade <ceo@amlbitcoin.com>

Tue, Mar 10, 2020 at 11:21 AM

Marcus,

Go ahead and use this number:

877-211-3621

Code – 9032714204.

I'm still free so let's jump on if you have time?

[Quoted text hidden]

[Quoted text hidden]

Maheshwari, Shailendra <shailendra.maheshwari@pillsburylaw.com>
To: Marcus Andrade <ceo@amlbitcoin.com>

Wed, Mar 11, 2020 at 1:29 PM

Hi Marcus - great catching up yesterday. I sent you information from Maheshwarishalu@hotmail.com yesterday but it bounced back for some reason! I tried to resend today.

If you have a chance please send me an email there.

One of the litigation funders I am working with is called Curiam Capital. They have funded 4 cases for my friend. I mentioned to my connection about your patents in general and he was interested.

Thanks!
Shalu

On Mar 10, 2020, at 12:20 PM, Marcus Andrade <ceo@amlbitcoin.com> wrote:

[Quoted text hidden]

[Quoted text hidden]

FEDERAL BUREAU OF INVESTIGATION

Date of entry 02/11/2020

On January 23, 2020, a physical surveillance was conducted on subject, David MATA. The surveillance was conducted by Special Agents (SAs) Brendon Zartman, Michael Eldridge, Mark Matulich, Joseph Schadler, and Operational Support Technician Kathryn Taylor. The following observations were made during the surveillance:

(All times are approximate and listed in Pacific time)

At 11:35am surveillance commenced at the Kezar Pub and restaurant located at 770 Stanyan St. San Francisco, California 94117. SAs Zartman and Matulich observed David MATA seated at a table in the restaurant with three adult males. The group appeared to be having a conversation.

Between 11:44am and 12:54pm SAs Zartman and Eldridge took video and photographs of MATA and his three associates at the table.

At 1:15pm surveillance ended.

Investigation on 01/23/2020 at San Francisco, California, United States (In Person)File # 58D-SF-2113481Date drafted 01/23/2020by Brendon Zartman, Michael P. Eldridge, Mark R. Matulich

From: Ben Boyer <ben@tenayacapital.com>
Sent: Thursday, December 13, 2018 11:32 AM EST
To: Japheth Dillman <jdillman@blockbits.capital>; Maheshwari, Shailendra <shailendra.maheshwari@pillsburylaw.com>
Subject: Re: Asset Purchase Agreements

Guys,
 Can we get an explicit timeline for closure and if not, what's the status of the asset sale? Given the size of it, I assume they're providing you guys with regular updates. What are they telling you as to the hold up? Can my lawyer and I have a call with the buyer and the person from Reign handling this supposed transaction?

I've really tried to be patient during this process but based on everything the **FBI/DOJ told/showed me**, it's clear that I've been consistently misled by Japheth. These misrepresentations feel eerily similar to the current hold-up in the closing, which was originally slated for no later than Tuesday ('but likely sooner'). I just want to highlight that this disturbing pattern has been consistent across all of our communications since Jan 2018. Literally since the first time we met, nothing Japheth has EVER told me has happened as he describes. This type of behavior conforms with the fraud narrative the FBI/DOJ presented and was foreshadowed to occur by attorney (see his words below from 12/2).

"But from my experience seeing this over and over, it is very common for someone in a tight spot to promise to repay to lower your guard, but actually sending you the money is a different story. 19 times out of 20, the other side will drag this out, start changing terms, start disagreeing with details, days turn into weeks, start becoming slippery, promising the world orally but not committing in writing and or not sending the money. You'll believe him because you want to. Soon, the criminal pressure is off, and then they renege and bail out of the deal and play you one more time."

And his comment about the criminal pressure being off is flat out wrong. I'm sitting on a trove of documents (emails, texts, FB messages, calls, lists of inconsistencies, photos of JD's prior LinkedIn profile, meeting dates, call logs, etc.) for the FBI/DOJ that I've been holding off on sharing to see if there was a path to make me whole and get me out of this entire mess. The FBI understands I don't want to be involved in their investigation but once it's clear our deal is not happening (it feels like we're pretty much there), I'm going to invest all of my energy in seeing my civil and the government's criminal cases through.

This was Japheth's note to me from 12/2, with the deal HE, suggested as being fair, given the circumstances:

Hi Ben,

I am anticipating an asset sale this week that should provide me enough liquidity to buy out your interests, as well as the other members interests, in the AML Bitcoin LLC SPV that was created at the beginning of 2018. In addition, I know that you acquired AML tokens yourself directly on exchanges. I am willing to also purchase thee tokens as well. To accomplish the buyout of your SPV membership as well as your private purchases of AML Bitcoin tokens we will need two separate agreements. The first agreement is to purchase your SPV membership interests.

I am willing to purchase your interests based on an evaluation of AML Bitcoin at \$1.50 a token. This should be a premium to your initial membership purchase.

The second agreement is to purchase your private AML Bitcoin tokens, that you acquired directly from an exchange, at an evaluation \$1 per AML Bitcoin token, based on my understanding this would be a premium of your purchase price.

Today, I plan to reach out to my accountant to prepare an analysis of the existing membership interests in the SPV so that I can confirm the exact amounts. At the same time, can you please provide to me a summary of your private purchases that were done outside the SPV on your own?

If it is easier for you Ben, I am more than happy to allow your lawyer draft both agreements in order to include language you desire, and then I will review when sent to me. If this is not an option, I am more than happy to reach out to my attorney today and begin that process of drafting both agreements which I will then send to you when I receive. Just to reiterate, we need two separate agreements.

So, in summary I will work with my accountant to do the analysis to get you the exact amount of the buy out of your membership interests in the SPV at the token valuation of \$1.50, and at the same time please send to me a summary of your private purchases you did outside the SPV when you have a chance. In addition, please let me know if you prefer to have your lawyer prepare those two agreements or if you want me to have my lawyer draft both agreements.

So either there's an issue with the deal, which you haven't disclosed, this deal is fabricated and you never had the assets to consummate your proposal, in which case you've committed yet another fraud or you're simply trying to avoid fulfilling the agreement which YOU originally suggested. If it's the latter, this will be the single worst business decision you've ever made. This story can and will be told.

I'm not wasting any more time nor money with lawyers on this asset purchase process unless there's concrete evidence and clear steps to closure. And Shalu, for your edification, I've invested in a number of things, both personally and professionally, that have failed but other than one time in small claims court 20 years ago, I've never in my life sued anyone nor have I ever been sued. I'm literally among the least litigious people around which is why I've been ignoring my attorney's advice to bring suit immediately but this situation now leaves me absolutely no choice.

Our texts since my meeting with the FBI/DOJ on 11/28/18:

Ben Boyer:

You lied to me about the success of the ICO and the number of tokens sold. You flat out lied. I can't believe what I learned today.

Japheth Dillman:

I told you what I was told.

Everything I've stated I repeated directly from Marcus. I have no tools to look inside the company, only access to call him

Ben Boyer:

You were there CSO. Just figure out how to make me whole. If you don't think this is going to take you and Blockbits down you're delusional.

Japheth Dillman:

I made clear I was an external advisor with a lofty title for biz dev purposes.... but I am working on making you whole, I will update you soon.

Ben Boyer:

You never told me you weren't actively involved. Look at all my old questions. If I didn't think you were involved, I wouldn't have been asking you those questions and I would have thought twice about investing and certainly at those levels.

Go read your email that said you were stepping back

Why email that if you weren't actively involved

You are so deep into this

Japheth Dillman:

I always said I was running Block Bits, advising Marcus on the side

I was stepping away from my advisory role

Ben Boyer:

You're lying - -read that email you sent me

More lies

Japheth Dillman:

Ben, I'm not lying.

Ben Boyer:

There's too many have truths, misrepresentations. This isn't a coincidence

Japheth Dillman:

We met and discussed block bits

You know I was running block bits

And advising Marcus

Only an advisor

Ben Boyer:

I thought you had two jobs

Japheth Dillman:

No

Ben Boyer:

First I'm learning this, which is problem to say the least

hile I'm still an advisor to AML Bitcoin, I stepped back from my official role as CSO, as I simply didn't have time to sink into another project that isn't my own company (BlockBits and my other personal pursuits demand all my time lately). I'm a huge believer in the mere fact that they have the patents and anyone who wants to do this (absolutely necessary) component will have to ultimately license from them.

In your words

Japheth Dillman:

I'm not trying to argue about this, but it was plainly stated when we had breakfast in Soma at that restaurant close to your office... that I was looking to find the appropriate funding partner for Block Bits and was running it full time with Dave & Arthur. I was only an advisor to AML and was excited about doing more with them, but that was made clear. I even discussed with you the name of "CSO" was to only help with biz dev. Now I'm not even CSO, I told Marcus I didn't have time for him as much as he wanted and didn't want anything other than just advisor.... I can't help guide him on Strategy if he moves so slow, doesn't take my advice, and I'm running another company

Ben Boyer:

Absolutely not clear.

Aka a lie

Just re read all of our old communications across text, email and FB.

That's all I've been doing all day

Japheth Dillman:

I was a very involved advisor at one point

My role was to bring new tech business

Ben Boyer:

Some trying to backtrack

The damage is done

Japheth Dillman:

But I needed the ico to complete

He moved super slow on that

And I had nothing to do for months

Ben Boyer:

Just get me out of it

Japheth Dillman:

I'm working on it

Ben Boyer:

I've collected all of the files: wire transfer confirmations, SOAs, emails, text messages, FB messages, etc the FBI and my attorney have asked me to furnish. I don't want to be involved in this mess. If you have a plan to buy back my tokens I need to know ASAP. This can't wait.

You have until Monday to get me out of my position otherwise I'll assume that's not a possibility.

Btw, you're such an incredible liar. If AML did an ICO and listed you as CSO when you were never CSO that is a gross misrepresentation. I invested 100% because of your involvement all of the bullshit you told me about the project. I would have thought differently about investing a single dollar if I knew your participation was a front for the ICO. You are so intertwined in these lies. Marcus committed a fraud and you aided and abetted. I assume I'

Based on what the FBI told me, Marcus is scam artists, the ICO was a sham and you were instrumental in getting people like me involved.

And worse yet, I kept buying more tokens because of the lies you kept selling me. I should have believed my gut when I called you out on all of this.

Shame on me for not listening to my instincts.

And do you know how many times I've lost money in an investment? Plenty. Do you know how many times I've sued someone? Zero

Are you getting me out of the position? As I said, I just want to be done with this nightmare.

Japheth Dillman:

I am liquidating some of my own personal assets to cash. I will put the money into the LLC that holds your coins (and others who purchased because of me), as a managing member of that entity. Then we will distribute the capital to the members. I will put enough into that entity that you will have made a profit. I will then inherit this headache and as the owner of the coins I will sue Marcus myself.

I just need a few business days to liquidate my assets. But I am committed to rectifying this.

Ben Boyer:

I do not want a profit. Just my money back. I will not pursue civil litigation nor furnish the FBI with the info they requested until you work through this but I'm not waiting beyond next week.

Japheth Dillman:

I understand. I'll keep you updated.

Ben Boyer:

This is the right strategy if you care about your reputation and the viability of Blockbits going forward. Appreciate your willingness to own it.

Don't make this something other than the truth. If I'm delaying things for no reason my animus will show no bounds.

You should make Dave step up too. He was helping to facilitate additional token sales (purchases by me) while he knew an FBI investigation was ongoing

all without disclosing any of this to me. He's totally culpable too.

Japheth Dillman:

He was explicitly told by the fbi that we weren't to say anything. I will discuss with him, but my main concern is to take care of you and other investors FIRST, then deal with who I hold culpable after. I don't want to waste time finding blame, I just want to true up everyone and let them walk away clean and happy.

Ben Boyer:

Thank you. Very honorable.

I've got a good crypto lawyer for you if/when you want the intro.

Let me know if you want my lawyer to draft a purchase agreement.

Japheth Dillman:

We might do that for the extra coins you purchased. But I spoke with Arthur and he's getting the legal docs together for the SPV distribution.

Ben Boyer:

Ok

My lawyer wants me to hold off on signing an NDA and release until all of the coins are purchased (ICO, OTC and open market). Happy to get him involved, if interested.

Japheth Dillman:

Of course

I plan on paying for it all at once

Ben Boyer:

Ok

What's the ETA of payment?

My lawyer is pushing to file now.

But from my experience seeing this over and over, it is very common for someone in a tight spot to promise to repay to lower your guard, but actually sending you the money is a different story. 19 times out of 20, the other side will drag this out, start changing terms, start disagreeing with details, days turn into weeks, start becoming slippery, promising the world orally but not committing in writing and or not sending the money. You'll believe him because you want to. Soon, the criminal pressure is off, and then they renege and bail out of the deal and play you one more time. Then, your best opportunity to seal a deal is gone, and they don't respond to your calls. After over a decade in investment loss recovery, I know human nature and see this all day. That's why I typically do a comprehensive approach, and go aggressive until the money is in the bank. You always do better and have more negotiating leverage represented by an attorney, and if it were up to me, in matter of days he would be served a detailed draft lawsuit laying out his liability and exposure, ready to be filed, and notice of his upcoming deposition which he can't do with a criminal investigation pending. Then you have him between a rock and a hard place, and that's your best chance of getting a repayment.

He's words

He's telling me I should file tomorrow.

Japheth Dillman:

I am trying to liquidate immediately a considerable amount of assets. I'm hoping to have it done within a few days, and if it's taking any longer than that I will send you proof of this process.

Ben Boyer:

I can't wait beyond a couple of days.

Japheth Dillman:

I can't start doing much of it until Monday, and it will take a few days. And if there's a certain day in the week in which you say I can't exceed, I'll send you proof of funds

Or something like that

Yo satisfy

*to satisfy

I'm not asking for long

At all

Ben Boyer:

Wed.

Japheth Dillman:

And I don't want to drag it out

Umm moving immediately

*I'm moving immediately

Ben Boyer:

Ok

Please keep me posted

Japheth Dillman:

Trust me, I don't want any legal entanglements, I also need to move to file against Marcus ASAP, and I need to true up more than just you... there's a lot in my plate this week and you're priority #1 before anything else.

Ben Boyer:

thanks

Japheth Dillman:

I will keep you updated

Ben Boyer:

How are things coming together? My lawyer thinks I'm totally nuts letting this play out. Please don't make me a fool for believing you.

I'm speaking with my attorney tomorrow morning. Ahead of then, please send me an update of where things stand and what the next steps are. Thanks

Japheth Dillman:

Hi Ben, I have given all the information to my attorney at Pillsbury this afternoon to begin drafting the contracts.

Ben Boyer:

Ok

I'll let my attorney know.

Japheth Dillman:

And for liquidation I've started a sale with a buyer, I will know timing tomorrow.... but to let you know now (no surprises) I don't think I'll be able to hit Wednesday as a deadline for a wire. Tomorrow I should know the timing better. I had to do a quick sale on some large assets, I don't have the liquidity yet. AFTER I pay you & the SPV, I'm also going to be very aggressively pursuing Marcus, but I don't want him to have suspicion of that yet... I need to clear up you & the SPV first.

Ben Boyer:

When do you think your sale will clear?

Japheth Dillman:

I'm trying to be very transparent

Ben Boyer:

Appreciate the transparency.

Japheth Dillman:

I can venture a guess but I don't want you to hold it against me if I'm wrong, so do you mind if I wait till tomorrow?

Ben Boyer:

Ok

Japheth Dillman:

Thanks

Ben Boyer:

Please let me know tomorrow.

Japheth Dillman:

I'd just hate to tell you something that is inaccurate, I want to be very specific

Ben Boyer:

Great...from this point forward just give me the facts. No need to sugar coat or spin.

Japheth Dillman:

Yes.

Ben Boyer:

Once you determine when you'll be in a position to consummate the transaction please provide me a revised ETA. Also, please send me copies of the legal agreements Pillsbury is drafting. I'd like to get everything papered, such that the long pull in the tent is funding.

Any update on the legal docs? Thanks

I've got another call with my attorney at 3pm. Any update on the timing of the asset sale and completion of the legal docs?

Completion

Please provide me with an update. I'm getting pressured by my attorney to file suit and the FBI is waiting on documentation of all our past communications. I need to understand where the legal documents are and when you're able to close. Seems strange that the asset sale is going to take a week. Nothing about this process feels normal.

Japheth Dillman:

I just spoke with Shalu, he will have the documents ready for you and your legal to review after biz hours Miami time tomorrow (which may be before our business hours end). If you want, you can reach out to him directly at:

Shailendra.maheshwari@pillsburylaw.com

Otherwise, I'll have him email you and I the documents directly when he finishes tomorrow.

Ben Boyer:

Ok
Thanks

Japheth Dillman:

You're welcome.

Ben Boyer:

Once the purchase closes, how do you want me to handle my discussions with the FBI/DOJ? I was thinking that I could notify them that I sold my position back to JD and have no issue with him nor the AML Bitcoin project in general. To that end, I no longer want to be involved in the investigation and as such, I'm destroying all past communications.

Talk it over with your attorney.

Japheth Dillman:

That's fine?
I will

Ben Boyer:

Obviously I'm fine signing an NDA.

Any update on the timing of the completion of your asset sale?

I've got my 3pm call and I was curious to know if there's an ETA on the purchase agreement. Also, any clearer sense for when your asset sale will be completed? Thanks

Just finished my call. Please give me an update when you can. thanks

Any update on your asset sale?

If it's still closing tomorrow, let's try to get everything wrapped by Wed. If it's not closing tomorrow, what's the ETA?

I've tried to be patient but you need to get this wrapped up ASAP. If it doesn't happen in the next couple of days, I'm convinced it's not going to ever happen and I've got to file suit. My lawyer is already sure you're not going to pay. That, coupled with requests from the FBI, and I can't give this purported process of yours much more time. This is already taking up a huge portion of my day and I was victim.

Btw, my lawyer wrote a script of what's going to happen and thus far you've played the part to a tee. Next up is an issue with your asset sale to enable you to consummate a deal. Can't wait to hear the update.

Where are we at?

If you can't commit to a time to close this transaction, I'll assume my attorney was right and this was just another facade. Please give me an honest update.

Japheth Dillman:

I am getting a committed date from the buyer this afternoon. Once I have a contract or wire details, I'll share that with you. I am diligently working on this.

Ben Boyer:

Ok

I'm either going to look like a genius or an idiot for trusting you and this process.

I've got another call with my lawyers tomorrow morning at 9am. Please let me what the buyer has to say. Thanks

With your update, please let us know the following: 1) has a buyer been found?, 2) have both parties agreed to a price?, 3) what legal documentation is required for this type transaction and what's the status of said documentation?, 4) what's the timeline of the remaining steps to get closure?5) if the process can't be finished this week, can you borrow against the assets you're selling? 6) have any unforeseen issues arisen since that 'liquidity' email was sent?

Thanks

Japheth Dillman:

1). Yes

2). Yes. More than enough to cover our agreement.

3). Kyc, AML check, disclosures of assets, Safe Keeping Receipt, and now the final purchase agreement contract

4) I'm hoping this week, as Reign Capital has previously noted, and if there's a delay I'll let you know ASAP and if that's the case I'll provide documentation of the transaction so you know it's happening

5) No

6) Nothing other than a few delays on paperwork, but all timing indications show this week is still possible. I just gave my banking details to the IOLTA lawyer's account for payment when the funds hit

Ben Boyer:

Thanks

This is helpful

I've got another 3pm check-in with my lawyers. Any more clarity on your timeline? Thanks

Please confirm receipt of the executed asset purchase agreements that I sent over, via email.

What's the latest on your asset sale?

I have another check-in with my attorneys at 3pm. Without a clearly defined and documented path to closure provided before then, I'll assume this asset sale is dead.

-Ben

From: Japheth Dillman <jdillman@blockbits.capital>

Date: Wednesday, December 12, 2018 at 5:13 PM

To: Benjamin Boyer <ben@tenayacapital.com>

Cc: "Maheshwari, Shailendra" <shailendra.maheshwari@pillsburylaw.com>

Subject: Re: Asset Purchase Agreements

Hi Ben,

I was out today... please note I acknowledge receipt. Let me get settled in here and I'll address everything else

Sent from my iPhone

On Dec 12, 2018, at 5:10 PM, Ben Boyer <ben@tenayacapital.com> wrote:

Shalu,

When you speak with Japheth please ask him to confirm receipt. Obviously, I can have the documents messengered to him, if needed.

Thanks,
Ben

From: "Maheshwari, Shailendra" <shailendra.maheshwari@pillsburylaw.com>

Date: Wednesday, December 12, 2018 at 3:57 PM

To: Benjamin Boyer <ben@tenayacapital.com>

Cc: "jdillman@blockbits.capital" <jdillman@blockbits.capital>

Subject: Re: Asset Purchase Agreements

I received the email. Thanks.

Shailendra Maheshwari | Counsel
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street NW | Washington, DC 20036-3006
t +1.202.663.8009
shailendra.maheshwari@pillsburylaw.com

> On Dec 12, 2018, at 6:11 PM, Ben Boyer <ben@tenayacapital.com> wrote:

>

> Guys,

> Please confirm receipt of the executed asset purchase agreements (attached). Also, please provide an update on the estimated date of closure.

>

> Thanks,

> Ben

>

> From: Benjamin Boyer <ben@tenayacapital.com>

> Date: Wednesday, December 12, 2018 at 9:25 AM

> To: "jdillman@blockbits.capital" <jdillman@blockbits.capital>, "Maheshwari, Shailendra"

> <shailendra.maheshwari@pillsburylaw.com>

> Subject: Asset Purchase Agreements

>

> Guys,

> Attached are executed copies of the asset purchase agreements for the (4) separate transactions: 1) Boyer Family Trust – ICO; 2) Boyer Family Trust – Open Market; 3) Benjamin Boyer Trust – ICO; and 4) Benjamin Boyer Trust – Open Market. I've also included my latest SOAs from Block Bits Capital (where all my tokens are stored), dated November 29, 2018 and wire instructions for the Boyer Family Trust and Benjamin Boyer Trust. Once Japheth co-signs and dates the documents, please send me copies for my records.

>

> I'm looking forward to getting this transaction closed.

>

> Thanks,

> Ben

>

>

> Ben Boyer

> Managing Director

> Tenaya Capital

> 3280 Alpine Road

> Portola Valley, CA

> 94028

> Tel: (650) 687-6523

> Fax: (650) 687-6524

> www.tenayacapital.com <<http://www.tenayacapital.com>>

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> <[Untitled].pdf>

> <[Untitled][1].pdf>

> <[Untitled][3].pdf>

> <[Untitled][4].pdf>

> <SVB Wiring Inx.docx>

> <BoyerFamilyTrust-SoA-Nov292018[3][1].pdf>

> <BenBoyerTrust-SoA-Nov292018[2][1].pdf>

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by return E-mail and delete this message, along with any attachments, from your computer. Thank you.